

IN THE CONSISTORY COURT
OF THE DIOCESE OF CARLISLE

RE THE CHURCH OF ST JOHN THE BAPTIST OLD HUTTON

JUDGMENT
delivered on 14 May 2016

Introduction

1. By their Petition dated 18 March 2016 Rev Canon Angela Whittaker [the Priest-in-Charge], Mr. Tony Bontoft [Churchwarden] and Mrs. Elizabeth Bontoft [Assistant Churchwarden] seek a faculty for various works at the Church of St John the Baptist Old Hutton. The Church is not listed.
2. Such works comprise:
 - 2.1 the removal of two rows of pews on either side of the central aisle at the rear of the church and the provision of wooden framed chairs to replace the pews;
 - 2.2 the moving of the audio cabinet to a new position;
 - 2.3 the provision of kitchen base units, sink unit and worktops to two sides of the vestry;
 - 2.4 the boxing in of electrical switchgear in the vestry;
 - 2.5 the forming of an access hatch in the vestry screen, preserving the visual appearance of the screen; and
 - 2.6 the provision of new electrical circuits for the kitchen area and fan heaters to the new open area.
3. The estimated cost of such works was £11,830.
4. The need for the proposed works is explained in Statement of Significance thus:

‘Like many rural churches, we have no mains water supply, no kitchen facilities and no toilet within the church. We would like to address this situation and our PCC have deliberated for some considerable time, to decide the best way forward.

We have an existing vestry screen, opposite the entrance to the church. We wish to adapt the vestry to incorporate a kitchen and server. This work would involve the installation of kitchen base units and a sink top with worktops and adaptation of the screen to form a hatchway.

We also need more circulation room at the rear of the church, to use for greeting and for meetings, and to give us more flexibility in the services we offer. To this end, we would like to remove two rows of pews on either side of the central aisle, replacing them with chairs which can be moved around as required.

We see this work as essential to our Mission Action Plan, as we intend to use the space created to invite other groups into church, such as mother and toddlers, school crafts, adult social groups, etc.

If it was possible, we would have incorporated a toilet into our scheme but there is resistance within the congregation to having a toilet within the existing cartilage of the church. We must, therefore, look to creating a toilet within an extension at some time in the future.'

5. The proposed works were supported by the Parochial Church Council ['PCC'] by a majority of 5 to 1 at its meeting on 8 April 2015.

6. At its meeting on 28 January 2016 the Diocesan Advisory Committee ['DAC'] recommended the proposed works subject to:

6.1 the electrical details/layout drawings being approved by Mr. B Mumford;

6.2 the kitchen details to be approved by the Archdeacon of Westmorland and Furness; and

6.3 reconsidering the issues of unequal floor levels by the removal of trip hazards.

7. A Public Notice of the proposed works was displayed for the requisite period.

The objection by Mrs Robinson and others

8. Such Public Notice gave rise to a letter of objection from Mrs. Noreen Robinson, who is a member of the PCC and had voted against the proposed works. Her sole objection related to the removal of two rows of pews on either side of the central aisle at the rear of the church and, by inference, the provision of wooden framed chairs to replace the pews.

9. There was no objection to the other proposed works. Although Mrs. Robinson had also been against the incorporation of a toilet within the proposed works, so had two other members of the PCC and for that reason, as the Statement of Significance explained, there is no proposal to incorporate a toilet within the proposed works.

10. Mrs Robinson's letter of objection enclosed a petition signed by some 50+ persons. I directed that it was not necessary for the Diocesan Registrar to correspond with each such person because it was not clear in many cases why they had signed the petition. That said I am prepared to accept that there is a degree of opposition to the removal of these two rows of

pews, although the Petitioners say that only three regular churchgoers signed the petition and that all the members of the PCC except Mrs. Robinson are in favour of removing the four pews and are regular worshippers.

11. I have seen photographs of the existing position of the pews and how the location would appear if the pews were removed.

12. In her letter dated 23 March 2016 the Diocesan Registrar informed Mrs. Robinson that her communication was being treated as a letter of objection to the proposed works and invited her either to become a party opponent in the proceedings in the Consistory Court or not become a party and to leave me to take her letter of objection into account when reaching my decision. Mrs. Robinson did not elect to become a party to these proceedings and I thus take her letter of objection into account in reaching my decision.

The Petitioners` response

13. In their response to Mrs. Robinson`s letter of objection the Petitioner made the following observations:

13.1 the rationale behind the removal of the four pews is make the use of the church more flexible, to provide an area which can be used for a variety of purposes and to increase opportunities for outreach;

13.2 the fact that the school used the church on a regular basis was important because it was believed that there would be more opportunities for the space at the rear of the church to be used flexibly by the school whilst maintaining the same capacity for seating;

13.3 the church has an ageing and declining regular congregation but it was not believed that village people would not financially support their village church just because of the removal of the four pews;

13.4 since it is no longer required for clergy robing, the vestry could offer a place for a private conversation with a parishioner;

13.5 the removing of the pews would allow more space for greeting people, socializing after services and would provide an adaptable space suitable for a variety of uses. Moreover cleaning would be easier since the replacement chairs could be moved; and

13.6 in February 2015 a notice about the proposals was circulated to every household in the parish, asking for comments. There were two opportunities to review the proposals in church. There were eight written responses, [the main objection being to the inclusion of a toilet which has subsequently not been pursued] and four parishioners attended the open sessions at church, all of whom had submitted written responses.

Determination

14. Having regard to all the matters set out above I am satisfied that I should grant the faculty sought.

15. It is supported by all members of the PCC except Mrs Robinson and by the DAC.
16. It is not suggested that these pews are of a quality which justifies their retention.
17. The church is relatively small and the Statement of Significance expressly states that the removal of the two rear pews will allow a more flexible use of the church for greeting and meetings and would allow the better use of the space created to allow other groups such as mother and toddlers, school crafts, adult social groups to use the church in accordance with the Church's Mission Action Plan. I would have thought only good could result from what is proposed.
18. In such circumstances I am satisfied that I should grant the faculty sought on condition that prior to the commencement of the works [a] the electrical details / layout drawings are agreed with Mr Bruce Mumford, [b] the kitchen details are agreed with the Archdeacon of Westmorland and Furness and [c] the PCC reconsider the issue of unequal floor levels by the removal of trip hazards.
19. In accordance with the practice of the court the Petitioners must pay the court's costs.



GEOFFREY TATTERSALL QC

Chancellor of the Diocese of Carlisle